

REMARKS/DISCUSSION:

This Amendment B is being filed along with an Request for Continuing Examination and is being filed within three months after the shortened statutory period for response that ended on January 14, 2006. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the transmittal letter filed herewith.

By this Amendment B, claims 1-15 remain pending in this application.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-3, 5, 9, 10 and 14 stand rejected as being anticipated by Hickie (US Patent no. 6,745,764) as noted in the Office Action.

Applicant(s) respectfully transgresses the Examiner's rejection of the Claims over Hickie because, according to Applicant's understanding, the Hickie reference neither teaches nor suggests the elements of the Applicant's invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See for example MPEP 2131.

With respect to claim 1, Applicant still maintains his inability to locate any disclosure within the Hickie reference relating to "a controller which generates an **audio** request" (**emphasis** added) whereby "the request including a personalized message". Hickie does not disclose a controller that generates an audio request including a personalized message. That being said, however, and in attempt to move the prosecution of this case along, claim 1 is amended to make clear that the personalized message is audible to the patient for the

purpose of attempting to obtain a response from the patient. Hinkle neither discloses nor suggests such an audio personalized message communicated to the patient for facilitating a response. Reconsideration is requested.

Rejection under 35 U.S.C. § 103

Claims 7, 8, 11, 12 and 15 stand rejected as being unpatentable over Hickle in view of Sobel (US Pub. No. 20030216940). Based on the previous discussions, neither Hickle nor Sobel, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

Claims 4, 6 and 13 stand rejected as being unpatentable over Hickle in view of Vatland (US Pub. No. 20030212554). Based on the previous discussions, neither Hickle nor Vatland, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

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Conclusion

Applicant submits that in view of the discussion, the rejections under 35 U.S.C. §§ 102(b) and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5032/VEK.

Respectfully submitted,

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